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10/755,708

01/12/2004

Mark R. Fernald

WEAT/0553

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06/01/2009

PATTERSON & SHERIDAN, L.L.P.  
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EXAMINER

HUGHES, JAMES P

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MARK R. FERNALD, TREVOR W. MACDOUGALL, MARTIN  
A. PUTNAM, REBECCA S. BRYANT, CHRISTOPHER J. WRIGHT,  
MICHAEL ARCAND, and CHRISTOPHER T. CHIPMAN

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Application No. 10/755,708  
Technology Center 2800

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Mailed: May 29, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**PRIOR ORDER FOR RETURN**

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on December 24, 2008 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

The Examiner was instructed to enter a paper canceling claims 13 – 20 and to consider the Reply Brief filed August 22, 2007. The Examiner has not done so. Proper correction is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) enter a paper cancelling claims 13-20;
- 2) **upon entry of the paper**, to return the application to the Board for the consideration of the remaining appealed claims;
- 3) to consider the Reply Brief filed August 22, 2007 as indicated above and in the prior Order Returning Undocketed Appeal to Examiner of December 23, 2008, and;
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/nhl

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